***DRAFT* Screening Form**

Low-Effect Incidental Take Permit Determination and

National Environmental Policy Act (NEPA)

Environmental Action Statement

I. HCP Information

A. HCP Name: Olinda Alpha Landfill Projects HCP

B. Affected Species: Coastal California gnatcatcher (*Polioptila californica californica*)

C. HCP Size (in stream miles and/or acres): 12.56-acre project site; 11.56-acre mitigation site; total is 24.12 acres

D. Brief Project Description (including minimization and mitigation plans):

The Olinda Alpha Landfill projects are four separate projects on the landfill that propose to (1) construct, maintain, and operate a new desilting basin, (2) perform a partial closure cap, (3) install screening trees for the Brea Power Plant, and (4) construct, maintain, and operate a new winch concrete pad. The projects will impact a total of 12.56 acres on the 565-acre property in the City of Brea, Orange County, California. Coastal California gnatcatchers (*Polioptila californica californica*; gnatcatcher) have occupied the Olinda Alpha Landfill property since at least 2009 (LSA Associates, Inc. [LSA], 2017). At least four gnatcatchers, including two individuals and one pair, were observed on the project sites during a 2016 protocol survey for the species (LSA Associates, Inc. [LSA], 2016). The project sites support 5.78 acres of gnatcatcher occupied coastal sage scrub (CSS). The remaining 6.78 acres within the proposed impact areas consist of 2.85 acres of nonnative grassland that may support gnatcatcher foraging and/or dispersal as well as 3.93 acres of previously disturbed/developed lands (e.g., bare ground, paved areas).

A total of 5.09 acres of designated gnatcatcher critical habitat (Unit 9) lies within the project sites. Of these 5.09 acres, 2.95 acres exist as CSS habitat, 1.78 acres as nonnative grassland, and 0.36 acre are disturbed/developed areas.

OC Waste & Recycling (Applicant) is seeking a 5-year permit to allow permanent removal of gnatcatcher occupied habitat associated with the implementation of the projects. The proposed projects will permanently impact 5.78 acres of occupied gnatcatcher CSS and 2.85 acres of nonnative grassland that may support gnatcatcher foraging and/or dispersal as a result of the landfill's construction, maintenance, and operation activities.

The Applicant has developed a habitat conservation plan (HCP) to avoid, minimize, and mitigate impacts to the gnatcatcher. The HCP includes avoidance and minimization measures to minimize potential effects to gnatcatchers including oversight by a Service-approved monitoring biologist, delineation of construction limits, vegetation clearing occurring outside of the bird nesting

season (February 15-August 31) to the fullest extent practicable, monitoring to ensure that gnatcatcher or other bird breeding activities are not disrupted and that eggs and nests are not destroyed, limiting staging areas to developed or previously disturbed lands, and proper disposal of food-related trash to avoid attracting predators.

To mitigate the permanent loss of breeding, feeding, and sheltering for up to four gnatcatchers, 11.56 acres of CSS will be restored and conserved off site on lands managed by the Puente Hills Habitat Preservation Authority (Habitat Authority). The restoration and conservation area will be protected with a conservation easement and managed in perpetuity by the Habitat Authority pursuant to a Service-approved Habitat Restoration Plan (HRP). The preservation and long-term management and monitoring of CSS habitat within the Puente Hills Preserve will provide long-term conservation value for the gnatcatcher. All 11.56 acres of proposed CSS habitat restoration are within designated gnatcatcher critical habitat (Unit 9) and currently exist as nonnative grassland.

The HCP plan area includes the entirety of the 12.56 acre project sites and the 11.56 offsite mitigation. The HCP permit area includes only the portions of the project sites where 5.78 acres of CSS and 2.85 acres of nonnative grassland occur.

The Applicant will provide the Service with an HCP Compliance Report, on an annual basis for the life of the permit that will describe the activities that have occurred pursuant to take authorization, including a monitoring report of any construction activities on site and an assessment of the status of the HCP until the projects have been completed. The Habitat Authority will provide documentation on an annual basis regarding the status of the 11.56 acre off-site CSS habitat restoration pursuant to the Service-approved HRP.

II. Does the HCP fit the following Department of Interior and Fish and Wildlife Service categorical-exclusion criteria? *Yes*

A. Are the effects of the HCP minor or negligible on federally listed, proposed, or candidate species and their habitats covered under the HCP?

Yes. Coverage under the HCP would be limited to the gnatcatcher. Gnatcatcher nests would be avoided and no direct mortality is anticipated. A maximum of 5.78 acres of CSS and 2.85 acres of potential additional foraging and/or dispersal habitat will be permanently impacted by construction activities. This acreage loss is minor compared to the overall acreage of habitat available for gnatcatchers in the region or rangewide. While surveys have established that at least four (one pair and two individuals) active gnatcatcher territories exist on the proposed project sites, the project is not in a location that supports a core population of gnatcatchers or provides a major connection between populations. The onsite effects of the projects on the long-term conservation of the species will be minor or negligible. The species will benefit from the restoration, preservation, and management of 11.56 acres at the Puente Hills Preserve.

B. Are the effects of the HCP minor or negligible on all other components of the human environment, including environmental values and environmental resources

(e.g. air quality, geology and soils, water quality and quantity, socio-economic, cultural resources, recreation, visual resources, environmental justice, etc.), after implementation of the minimization and mitigation measures?

Yes. No cultural, recreational, or wetland resources were identified on the project sites. Socio-economic impacts are not anticipated from the implementation of the projects. Air quality will not be significantly impacted because emissions from construction-related activities would be negligible, temporary, and localized. Each of the proposed projects is required for the Applicant to remain in regulatory compliance with water quality and aesthetic standards, and to safely conduct landfill operations. As such, implementing the HCP would not result in any substantial impact on other components of the human environment.

C. Would the incremental impacts of this HCP, considered together with the impacts of other past, present, and reasonably foreseeable future actions (regardless of what agency or person undertakes such other actions) *not* result, over time, in a cumulative effects to the human environment (the natural and physical environment) which would be considered significant?

Yes. The proposed projects are single actions that will allow the Applicant to operate the landfill in compliance with various regulatory requirements and safety measures. Although the projects will have negligible or minor affects to environmental values or resources as described above, it is not expected these will result in significant cumulative effects to the human environment.

III. Do any of the exceptions to categorical exclusions (extraordinary circumstances) listed in 43 CFR 46.215 apply to this HCP? *No*

Would implementation of the HCP:

1. Have significant impacts on public health or safety?

No. The HCP supports the issuance of an incidental take permit for the gnatcatcher associated with the implementation of four projects required for the Applicant to remain in regulatory compliance and maintain operational safety at the landfill. Neither the proposed projects nor the HCP itself would have a significant impact on public health or safety.

B. Have significant impacts on such natural resources and unique geographic characteristics as: historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990) or floodplains (Executive Order 11988); national monuments; migratory birds, eagles, or other ecologically significant or critical resources?

No. The project sites and immediate vicinity have been used for landfill operational

purposes for many years. The landfill property does not contain unique geographic characteristics such as large areas of native habitat; historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; or other ecologically significant or critical areas. Clearing of vegetation will occur outside of the breeding season for the gnatcatcher, which overlaps with other migratory birds, to the fullest extent practicable. If clearing or grading must occur during the bird breeding season, surveys for nesting birds will be conducted and nests avoided. Therefore, no significant impacts to migratory birds are anticipated.

C. Have highly controversial environmental effects (defined at 43 CFR 46.30), or involve unresolved conflicts concerning alternative uses of available resources [see NEPA section 102(2)(E)]?

No. The proposed projects are consistent with all applicable zoning laws and regulations. The projects would not have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.

D. Have highly uncertain and potentially significant environmental effects, or involve unique or unknown environmental risks?

No. The proposed projects and implementation of the HCP would result in well-defined impacts to 5.78 acres of gnatcatcher-occupied CSS and 2.85 acres of potential additional foraging and/or dispersal habitat as well as the proposed activities to mitigate these impacts. No uncertain and potentially significant environmental effects or unique or unknown environmental risks are associated with the proposed projects.

E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?

No. The proposed HCP and permit would not establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects. Future similar actions would be reviewed on their own merits.

F. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects?

No. The proposed projects are not related to any other known actions.

G. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places?

No. There are no properties listed or eligible for listing on the National Register of Historic Places at or near the project sites.

H. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?

No. The projects will permanently remove a maximum of 5.78 acres of CSS and 2.85 acres of nonnative grassland. Although the four projects will impact 5.78 acres of CSS occupied by the gnatcatcher and 2.85 acres of nonnative grassland that may provide additional foraging and /or dispersal habitat, 11.56 acres of CSS will be restored, conserved, and managed specifically for the gnatcatcher in perpetuity. The amount of suitable breeding habitat on the project sites is a small fraction of the habitat available for gnatcatchers in the region or rangewide.

A total of 5.09 acres of gnatcatcher critical habitat (Unit 9) are designated within the project sites. Of these 5.09 acres, 2.95 acres are CSS, 1.78 acres are nonnative grassland, and 0.36 acre are disturbed/developed areas. Unit 9 contains approximately 17,552 acres of gnatcatcher critical habitat; thus, the impact to critical habitat represents less than 0.1 percent of Unit 9. The offsite mitigation totaling 11.56 acres will be restored and managed by the Habitat Authority at the Puente Hills Preserve. The offsite mitigation is also located within Unit 9. Implementation of the HRP will ensure that the habitat values are improved to support the physical and biological needs of the gnatcatcher.

I. Violate a Federal law, or a State, local, or tribal law, or a requirement imposed for the protection of the environment.

No. Implementation of the proposed projects does not threaten to violate any Federal, State, local or tribal law or requirement imposed for the protection of the environment. All other Federal and State regulations shall be adhered to.

J. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

No. No low income communities or minority populations would be affected by the projects.

K. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).

No. There are no federal lands in the permit area or in the vicinity of the site, and the proposed projects are not situated in locations that could limit access to Federal Lands.

L. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

No. Non-native invasive species that would be removed as a result of the proposed projects include white sweet clover (*Melilotus alba*), shortpod mustard (*Hirshfeldia incana*), tocalote (*Centaurea melitensis*), Russian thistle (*Salsola tragus*), artichoke thistle (*Cynara cardunculus*), milk thistle (*Silybum marianum*), Australian saltbush (*Atriplex semibaccata*), cheeseweed (*Malva parviflora*), and nonnative annual grasses, among others. Implementing the HCP and HRP would restore 11.56 acres of non-native vegetation to CSS native habitat at the Puente Hills Preserve and the conservation area will be managed and monitored in perpetuity. The approved HRP includes requirements for invasive/exotic species removal. As such, no contribution to the introduction, continued existence, or spread of noxious weeds or non-native invasive species is expected to occur as a result of implementing the proposed projects, and an overall reduction of these non-native species is expected.

IV. ENVIRONMENTAL ACTION STATEMENT [This may be placed elsewhere in a case file according to Regional procedures.]

Within the spirit and intent of the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act and other statues, orders, and policies that protect fish and wildlife resources, I have established the following administrative record.

Based on the information and analysis above, I determine that the proposed Incidental Take Permit for the Olinda Alpha Landfill Projects qualifies for a categorical exclusion, as defined in 40 CFR 1508.4 and in the U.S. Fish and Wildlife Service *Habitat Conservation Planning Handbook.* Furthermore, no extraordinary circumstances identified in 43 CFR 46.215 exist for the Olinda Alpha Landfill Projects HCP. Therefore, the Service's permit action for the Olinda Alpha Landfill Projects HCP is categorically excluded from further NEPA review and documentation, as provided by 40 CFR 1507.3; 43 CFR 46.205; 43 CFR 46.215; 516 DM 3; 516 DM 8.5; and 550 FW 3.3C. A more extensive NEPA process is unwarranted, and no further NEPA documentation will be made.

Other supporting documents:

1. Olinda Alpha Landfill Projects Low-Effect Habitat Conservation Plan

Signature Approval:

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G. Mendel Stewart Date
Field Supervisor
Carlsbad Fish and Wildlife Office